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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,719	01/02/2004	Andi Gutmans	206,406	1411
38137 7590 08/24/2007 ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017			EXAMINER MIRZA, ADNAN M	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/750,719	GUTMANS, ANDI	
	Examiner	Art Unit	
	Adnan M. Mirza	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u>                                    | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
:12/28/04.06/21/2005,08/19/2005,11/17/04.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being unpatentable by Gobin et al (U.S. 6,745,229).

As per claims 1,10,18 Gobin disclosed a method for downloading data, comprising the steps of:  
establishing a connection over a communication network 5 between a remote client and a server, said connection comprising a socket; receiving a download request from said client via said connection for download of information from said server (col. 9, lines 26-29); transferring said socket to a download manager process executing on said server; and transmitting said information to said client from said download manager process using said socket (col. 9, lines 13-24).

2. As per claims 2,12 Gobin disclosed the step of converting said socket to non-blocking socket (col. 7, lines 47-56).

3. As per claims 3,11 Gobin disclosed wherein said step of transferring said socket comprises the steps of: constructing a copy of said socket; and thereafter closing said socket; and

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transferring said copy to said download manager process to define a second connection between said download manager process and said client using said copy (col. 3, lines 1-11).

4. As per claim 4 Gobin disclosed wherein said client comprises a plurality of clients, and said steps of establishing a connection, and transferring said socket, and are performed substantially concurrently with respect to each of said plurality of clients (col. 2, lines 50-67).

5. As per claims 5,13,19 Gobin disclosed wherein said download request further comprises an indication of a file on said server, further comprising the steps of: enqueueing said download request in said download manager process with other download requests concurrently being managed therein (col. 3, lines 1-11).

6. As per claims 6,14 Gobin wherein said connection comprises a TCP session (col. 7, lines 47-56).

7. As per claims 7,15 Gobin disclosed wherein said socket of said connection is a blocking socket (col. 7, lines 47-56).

8. As per claims 8,16,20 Gobin disclosed wherein said server allows a maximum number of open file descriptors, further comprising the steps of: spawning a duplicate download manager process when said maximum number of open file descriptors is exceeded; performing said step of receiving a download request in one of said download manager process and said duplicate

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download manager process; and servicing previously pending requests in another of said download manager process and said duplicate download manager process (col. 2, lines 50-67).

9. As per claims 9,17,21 Gobin disclosed further comprising the steps of: accepting new connections for additional clients over said communication network; establishing respective first threads in said server to operate said connection and said new connections; establishing a second thread to operate said download manager process; and communicating between said download manager process and said client and said additional clients via said connection and said new connections respectively using non-blocking I/O (col. 9, lines 13-24).

### *Conclusion*

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

11. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Am

Adnan Mirza

Examiner

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER